

Gregory Gallatin
Reg. No. 03383-061
FCI Milan
P.O. Box 1000
Milan, MI 48160
PRO SE DEFENDANT

2004 DEC -8 PM 3:09

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION

UNITED STATES OF AMERICA,
PLAINTIFF,

v.

Case No. 1:00-CR-00111-SJD-1

GREGORY GALLATIN,
DEFENDANT.

DEFENDANT'S MOTION FOR RETURN OF PROPERTY
MADE PURSUANT TO FED.R.CRIM.P. 41(g)

COMES NOW the Defendant, Gregory Gallatin, pro se, and pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure moves this Honorable Court for the return of his lawful property. In support hereof, the Defendant states as follows:

I.

On December 1, 2000, the Defendant, Gregory Gallatin (hereinafter "Gallatin"), was arrested subsequent to the execution of a federal search warrant upon his residence, which ultimately, lead

to his indictment, trial, conviction, and sentencing to a 110-month term of imprisonment in the abovetitled criminal action. Pursuant to the search and arrest, Gallatin was deprived of certain property and money, which has never been returned to him. Accordingly, he now moves this Honorable Court for an Order providing that said items of property and money be returned to him immediately.

II.

As it concerns this motion under Fed.R.Crim.P. 41(g), the Defendant moves this Honorable Court for the immediate return of the following items of property and money which were seized by federal law enforcement officials subsequent to their execution of the search warrant in this case:

- (1) \$5000.00 seized from Gallatin's home at 6137 W. Fordham Place, Silverton, OH 45213;
- (2) Approximately \$1700.00 seized from Gallatin's checking account at Provident Bank in Pleasant Ridge, Ohio;
- (3) Three trash bags containing documents seized from Gallatin's home (address, supra);
- (4) Two suit cases seized from Gallatin's home (address, supra);
- (5) Three duffel bags seized from Gallatin's home (address, supra);
- (6) One plastic box containing records and documents seized from Gallatin's home (address, supra);

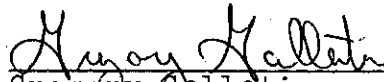
- (7) Three bags of records seized from Gallatin's home (address, supra);
- (8) Vehicle records seized from Gallatin's home (address, supra);
- (9) Seven Cellular telephones seized from Gallatin's home (address, supra);
- (10) One Beretta handgun seized from Gallatin's home (address, supra);
- (11) One digital scale seized from Gallatin's home (address, supra);
- (12) One Icom 2-way radio seized from Gallatin's home (address, supra).

The aforementioned items of property and money were not "forfeited" to the government by the Defendant, and remain Gallatin's lawful property for which he is entitled to their immediate return.

III.

WHEREFORE, the Defendant hereby moves this Honorable Court for an Order GRANTING his motion for return of property, and for such further relief as may be deemed fair, just, and equitable in these matters before the Court.

Respectfully Submitted,

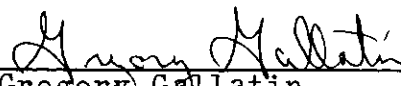


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CERTIFICATE OF SERVICE

I, Gregory Gallatin, the undersigned, hereby certify that I placed a true and correct copy of the foregoing DEFENDANT'S MOTION FOR RETURN OF PROPERTY MADE PURSUANT TO FED.R.CRIM.P. 41(g) in the U.S. Mail via the FCI Milan inmate legal mail depository, first class postage prepaid and properly addressed to the following on this day of December 5, 2004.

Kenneth L. Parker
Assistant U.S. Attorney
221 E. Fourth Street, Suite 400
Cincinnati, OH 45202



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